

COMMENTS

The enclosed is responsive to the Examiner's Notice of Non-Compliment Amendment mailed on July 7, 2005. At the time the Examiner mailed the Office Action of February 25, 2005 claims 31-75 were pending. By way of the present response the Applicants have: 1) amended claims 39, 46, 49, 50, 52, 61 and 70; 2) added no new claims; and 3) has not canceled any claims. As such, claims 31 – 75 remain pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Drawings

In the Office Action mailed February 24, 2005 the Examiner objected to Figures 1, 2 and 3 for including the label "prior art". See, 2/24/04 Office Action, pg. 2. The Applicant has included herewith proposed changes to each of Figures 1, 2 and 3 so that each now includes the label "prior art". The Applicant respectfully submits that incorporation of these proposed changes are sufficient to remove the Examiner's objections to the drawings.

Objections to Claims

In the Office Action mailed February 24, 2005 the Examiner objected to claims 49, 50, 61 for informal defects and to claims 39, 46, 52, 61 and 70 for failing to fully articulate the UPSR and BLSR acronyms. See, 2/24/04 Office Action, pg. 2. The Applicant has amended each of these claims so as to conform

to the Examiner's requirements. As such, the Applicant respectfully submits that the objections to the claims should be removed.

Substantive Rejection of Claims

In the Office Action mailed by the Examiner on February 24th the Examiner rejected each of the Applicant's claim under a non statutory double patenting theory in light of U.S. Patent No. 6,608,836 (the '836 patent). See, 2/24/04 Office Action, pg. 3. In response, the Applicant has herewith filed a terminal disclaimer for the present application in light of the '836 patent. The Applicant respectfully submits that in light of the terminal disclaimer being filed herewith, the double-patenting rejection applied against the Applicant's claims should be removed.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

7/25/01



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Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1-3. These sheets replace the original sheets of Figures 1-3. The "prior art" legend has been added to Figures 1-3.

Attachments: Replacement Sheets
 Annotated Sheets showing changes